

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BRYCE FRANKLIN,

Petitioner,

vs.

No. CV 19-00450 JB/KRS

WARDEN HORTON, et al.,

Respondents.

**ORDER ON MOTION TO FILE RESPONSE**

THIS MATTER is before the Court on Petitioner's Motion for Respondents to File a Response (Doc. 5) filed by Petitioner, Bryce Franklin. The Court denies the Motion as premature.

Because Petitioner is a prisoner proceeding pro se, the Court is obligated to conduct a preliminary screening of the Petition. *See* Rule 4 of the Rules Governing Section 2254 Proceedings. Whenever a prisoner brings a proceeding seeking habeas corpus relief, the Court is obligated to screen the prisoner's petition. Rule 4 states:

If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.

Requests for service of process or for Respondents to answer are premature and unavailable prior to the Court's completion of its screening obligation. *See Jones v. Bock*, 549 U.S. 199, 213-214 (2007). If Petitioner's Petition is not dismissed on initial screening, the Court will enter further orders governing service of process and answers or responses by Respondents

IT IS ORDERED that Petitioner's Motion for Respondents to File a Response (Doc. 5) is **DENIED** as premature.

A handwritten signature in black ink, reading "Kevin Smeagala". The signature is written in a cursive, flowing style. The first name "Kevin" is written with a large, stylized 'K' and the last name "Smeagala" follows in a similar cursive script.

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UNITED STATES MAGISTRATE JUDGE